Petitioner

tioner's Exhibit 1.

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

3rd Councilmanic District \* Case No. 92-205-SPHA Caves Valley Club, Inc.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \* \*

The Petitioner herein requests a special hearing to approve that two community signs can be located on offsite adjoining easement areas, and variances from Section 413.1.e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two community signs on decorative walls of 316 sq.ft. total in lieu of the maximum permitted 15 sq.ft., and from Section 102.5 of the B.C.Z.R. to permit a height for each sign of 6 feet in lieu of the maximum permitted 3 feet, as more particularly described on Peti-

The Petitioner, by Benjamin Bronstein, Esquire, appeared and testified. Also appearing on behalf of the Petitioner was David S. Thaler, Registered Professional Engineer. There were no Protestants.

Testimony indicated that the subject property consists of approximately 1.97 acres zoned R.C. 5 and is located at the intersection of Park Heights Avenue at Hunting Tweed Drive at the entrance to the residential development known as Huntington. Petitioner is desirous of erecting two community identification signs within a right-of-way easement area as depicted on Petitioner's Exhibit 1. Said easement, owned by the Huntington Development Corporation, was dedicated to Petitioner's predecessor in title for placement of signs by deed dated November 16, 1988 between S & R Investors, a Maryland Partnership, and Caves Valley Club, Inc., and record-

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

1. Topography of property

Easement Owner:

(Type or Patet Mame)

Baltimore, MD 21221

Benjamin Bronstein

Towson, Maryland

\_\_\_\_M.

ORDER RECEIVED FOR FILING

Huntington Development Corp.

By: Signature ADRAHAM Adly President

20 S. Charles St., 10th Floor

Evans, George & Bronstein

City and State Attn: Abraham Adler, Esq. Signature

21204

Address Sun Life Building

2. Configuration of the property

at the time of hearing.

Variance from Section \_\_\_\_\_see attached

PETITION FOR ZONING VARIANCE & SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoming Regulations.

And for such other reasons as may be demonstrated

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Legal Owner(s):

W. Susquehanna Ave., Suite 205 Name, address and phone number of legal owner, con-

Attorney's Telephone No.: (301) 296-0200 7115 Ambassador Road 944-3647

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day

of required by the Zoming Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

the \_\_\_\_\_ day of \_\_\_\_\_ o'clock

(Type of Frint Name)

(Type or Print Name)

Baltimore, Maryland

92-205-SPHA

I/We do solemnly declare and affirm,

Suite 12102 Hopkins Plaza 5374540

tract purchaser or representative to be contacted

D.S. Thaler & Associates, Inc.

under the penalties of perjury, that I/we are the legal owner(s) of the property

which is the subject of this Petition.

Caves Valley Club, Inc.

ed among the Land Records of Baltimore County in Liber 8029, folio 720 et. seq. A copy of this deed was introduced as Petitioner's Exhibit 2. Due to the topography of the land, which falls away from the road area to a stream bed at the subject site, the requested special hearing relief and variances are necessary in order to provide visible signage for this community. Testimony indicated that the relief requested will not result in any detriment to the public health, safety or general welfare and that practical difficulty would result if the relief requested were denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

92-205-5PHA ATTACHMENT TO

- 2-

PETITION FOR ZONING VARIANCE AND SPECIAL HEARING

413.1.e to permit 2 community signs with a total of 316 sq. ft. on decorative walls in lieu of the permitted 15 sq. ft. on offsite adjoining easement areas and from 102.5 to allow a height of 6 ft. for each sign in lieu of the allowed 3 ft. within the delineated triangular area.

> September 4, 1991 ZONING DESCRIPTION 92.205-SPHA

Beginning for the first at the intersection of the west side of Park Heights Avenue (an 80 foot right-of-way) and the south side of Hunting Tweed Drive (a 50 foot rightof-way); thence, running with and binding upon Park Heights Avenue the following five (5) courses:

1. South 10 39'20" West 27.05 feet to a point;

2. South 21 53'40" East 291.30 feet to a point;

3. South 34 17'40" East 68.30 feet to a point;

4. South 45 04'40" East 73.65 feet to a point;

5. South 52 08'40" East 447.21 feet to a point, thence leaving said Avenue;

6. South 83 54'20" West 689.28 feet to a point;

North 32 44'06" West 432.13 feet to a point;

8. North 48 13'28" East 150.00 feet to a point;

North 35 08'55" East 53.12 feet to a point;

10. 148.80 feet by a curve to the left, having a radius of 170.00 and a chord of North 10 04'24" East 144.10 feet to a point;

11. North 15 00'00" West 26.19 feet to a point on the south side of Hunting Tweed Drive: thence, running with and binding upon said Drive the following three (3) courses:

12. 97.06 feet by a curve to the left, having a radius of 442.23 feet and a chord of South 75 07'12" West 96.87 feet to a point;

13. 119.38 feet by a curve to the right, having a radius of 380.00 feet and a chord of North 68 49'57" East 118.89 feet to a point;

214

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for day of January, 1992 that the Petition for Baltimore County this  $3^{\prime\prime}$ Special Hearing to approve that two community signs can be located on offsite adjoining easement areas, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variances from Section 413.1.e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two community signs on decorative walls of 316 sq.ft. total in lieu of the maximum permitted 15 sq.ft., and from Section 102.5 of the B.C.Z.R. to permit a height for each sign of 6 feet in lieu of the maximum permitted 3 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

- 3-

Deputy Zoning Commissioner for Baltimore County

111 West Chesapeake Avenue Towson, MD 21204

887-3353

January 3, 1992

Diagram of vicently Concernment Zoning Commissioner connector i lanning and Zoning

Benjamin Bronstein, Esquire Evans, George & Bronstein 29 W. Susquehanna Avenue, Suite 205 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE W/S Park Heights Avenue at S/S Hunting Tweed Drive 4th Election District - 3rd Councilmanic District Caves Valley Club, Inc. - Petitioner Case No. 92-205-SPHA

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

cc: Abraham Adler, Esquire Huntington Development Corporation 20 S. Charles Street, 10th Floor, Baltimore, Md. 21201

People's Counsel

page 2 September 4, 1991 ZONING DESCRIPTION HUNTINGTON

TMK:bjs

92.205.SPHA

14. South 57 50'38" East 12.71 feet to the point of beginning.

Containing 7.450 acres of land, more or less.

Beginning for the second at the intersection of the west side of Park Heights Avenue (an 80 foot right-of-way); thence, running with and binding upon Hunting Tweed Drive (a 50 foot right-of-way) the following five (5) courses:

1. South 33 30'31" West 14.16 feet to a point;

2. 135.09 feet by a curve to the left, having a radius of 430.00 feet and a chord of South 68 49'57" West 134.53 feet to a point;

3. 274.98 feet by a curve to the right, having a radius of 392.23 feet and a chord of South 79 54'58" West 269.38 feet to a point;

North 80 00'00" West 52.45 feet to a point;

5. 205.75 feet by a curve to the left, having a radius of 825.00 feet and a chord bearing North 87 08'40" West 205.22 feet, thence leaving said

6. North 04 17'21" West 23.08 feet to a point;

7. North 84 19'50" East 448.93 feet to a point;

8. North 07 04'09" East 333.27 feet to a point;

9. North 76 27'33" East 125.01 feet to the west side of Park Heights Avenue; thence, running with and binding upon said Avenue;

page 3 September 4, 1991 ZONING DESCRIPTION HUNTINGTON

beginning.

92.205.5PHA 342.28 feet by a curve to the left, having a radius of 2300.00 feet and a chord of South 07 01'47" East 342.28 feet to the point of

Containing 1.978 acres of land, more or less.



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CERTIFICATE OF POSTING
ZONNIS DEPARTMENT OF BALTIMORE COUNTY

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Cares lather to	Cut me
Munting Two	ad drive and Park Heights arenue
caude or property.	
motion of Store N/W Corner of	Funting Tweed Drive and Fark
Heighto arenue	
emarks:	
osted by S. J. Chata	Date of return December 2, 1991

CERTIFICATE OF PUBLICATION

The Zoring Commissioner of Baltimore County, by suffority of the Zoring Act and Pagulations of Baltimore County by suffority of the Zoring Act and Pagulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Townon, Maryland 21204 as follows:

Case Number: 92-205-SPHA Hunting Tweed Drive and Park Heights Avenue 4th Election District 3rd Councilmanic Legal Owner(s):

Caves Valley Club, Inc. Easement Owner(s):
Huntington Development Corporation Hearing Date: Thursday, December 12, 1991 at 9:00 a.m.

Variance and special rearing: to permit two community
signs with a total of 316 square
feet on decorative walls in lieu of
the permitted 15 square feet on
off-site adjoining easement
areas; and to allow a height of 6
feet for each sign in lieu of the allowed 3 feet within the delineated
triangular area.

LAWRENCE E. SCHMIDT

OWINGS MILLS TIMES,

5. Zefe Willisher

(410) 887-3353

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

21204

Benjamin Bronstein, Esquire Evans, George & Bronstein 29 W. Susquehanna Avenue, Suite 205 Towson, MD 21204

RE: Item No. 214, Case No. 92-205-SPHA
Petitioner: Caves Valley Club
Petition for Zoning Variance

December 2, 1991

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 700 29, 1991

The Zoning Commissioner of Beltimore County, by authority of the Zoning Act and Regulations of Beltimore County will hold a public healing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-205-SPHA Hunting Tweed Drive and Park Heights Avenue 4th Election District 3rd Counclimanic Legal Owner(a):
Caves Valley Cub, Inc. Easement Owner(s):
Huntington Development Corporation Hearing Date: Thursday, December 12, 1991 at 9:00 a.m.

Variance and Special Hearing: to permit two community signs with a total of 316 equare feet on decorative waits in lieu of the permitted 15 square feet on off-site adjoining easement areas; and to allow a height of 6 feet for each sign in lieu of the allowed 3 feet within the delineated triangular area.

LAWRENCE E. SCHMIDT Zoning Commissioner of Beltimore County OMT/J/11/285 November 28.

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Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

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Casher Vancation

Zoning Plans Advisory Committe Coments Date:December 2, 1991 Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Huntington Development Corp.
20 S. Charles Street, 10th Floor
Baltimore, MD 21221

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

MATE: 5 9 (

Huntington Development Corporation c/o Abraham Adler 20 S. Charles Street , 10th Floor Baltimore, Maryland 21221

RE:
CASE WUMBER: 92-205-SPHA
Hunting Tweed Drive and Park Heights Avenue
4th Election District - 3rd Councilmanic
Legal Owner(s): Caves Valley Club, Inc.
Ensement Owner(s): Huntington Development Corporation

Dear Petitioner(s):

Please be advised that \$ 139 60 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONTING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeaks Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Call Jose

ARMOLD JABLON

cc: Benjamin Bronstein, Esq.

111 West Chesapeake Avenue

Towson, MD 21204

and Development Management
Office of Planning & Zoning
ue

111 West Chesapeake Avenue Towson, MD 21204

887-3353

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapaaks Evenue in Towson, Maryland 21204 as follows:

Baltimore County Government

Office of Zoning Administration

CASE NUMBER: 92-205-SPHA
Hunting Tweed Drive and Park Heights Avenue
4th Election District - 3rd Councilmanic
Legal Owner(s): Caves Valley Club, Inc.
Easement Owner(s): Huntington Development Corporation
HEARING: THURSDAY, DECEMBER 12, 1991 at 9:00 a.m.

Variance and Special Hearing to permit two community signs with a total of 316 square feet on decorative walls in lieu of the permitted 15 square feet on off-site adjoining easement areas; and to allow a height of 6 feet for each sign in lieu of the allowed 3 feet within the delineated triangular area.

Januar Estati

Zoning Commissioner of Baltimore County

Huntington Development Corporation
Benjamin Bronstein, Esg.
D. S. Thaler & Associates

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

887-3353

Your petition has been received and accepted for filing this

ARNOLD JABLON
DIRECTOR

Received By

Chelpman,
Zohing Plans Advisory Committee

Petitioner: Caves Valley Club, et al
Petitioner's Attorney: Benjamin Bronstein

29th day of October, 1991.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 27, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Caves Valley Club, Inc., Item No. 214

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn ITEM214/TXTRO2 PUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: November 27, 1991

O: Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 12, 1991

This office has no comments for item numbers 210, 212, 213, 214, 217 and 218.

Rahee J. Famili
Traffic Engineer II

RJF/lvd

EALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 13, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for November 12, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 210, 212, 213, 214, 219, 220, and 221.

For Items 215, 217 and 218, the previous County
Review Group Meeting comments remain applicable to

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

B:s

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 2120+5500

(301) 887 4500

NOVEMBER 26, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CAVES VALLEY CLUB, INC.

HUNTINGTON DEVELOPMENT CORP.

Item No.: 214 Zoning Agenda: NOVEMBER 12, 1991

Gentlemen:

Location:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER:

Planning Group

Special Inspection Division

Noted and

Approved

Fire Prevention Bureau

JP/KEK

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 27, 1991

Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

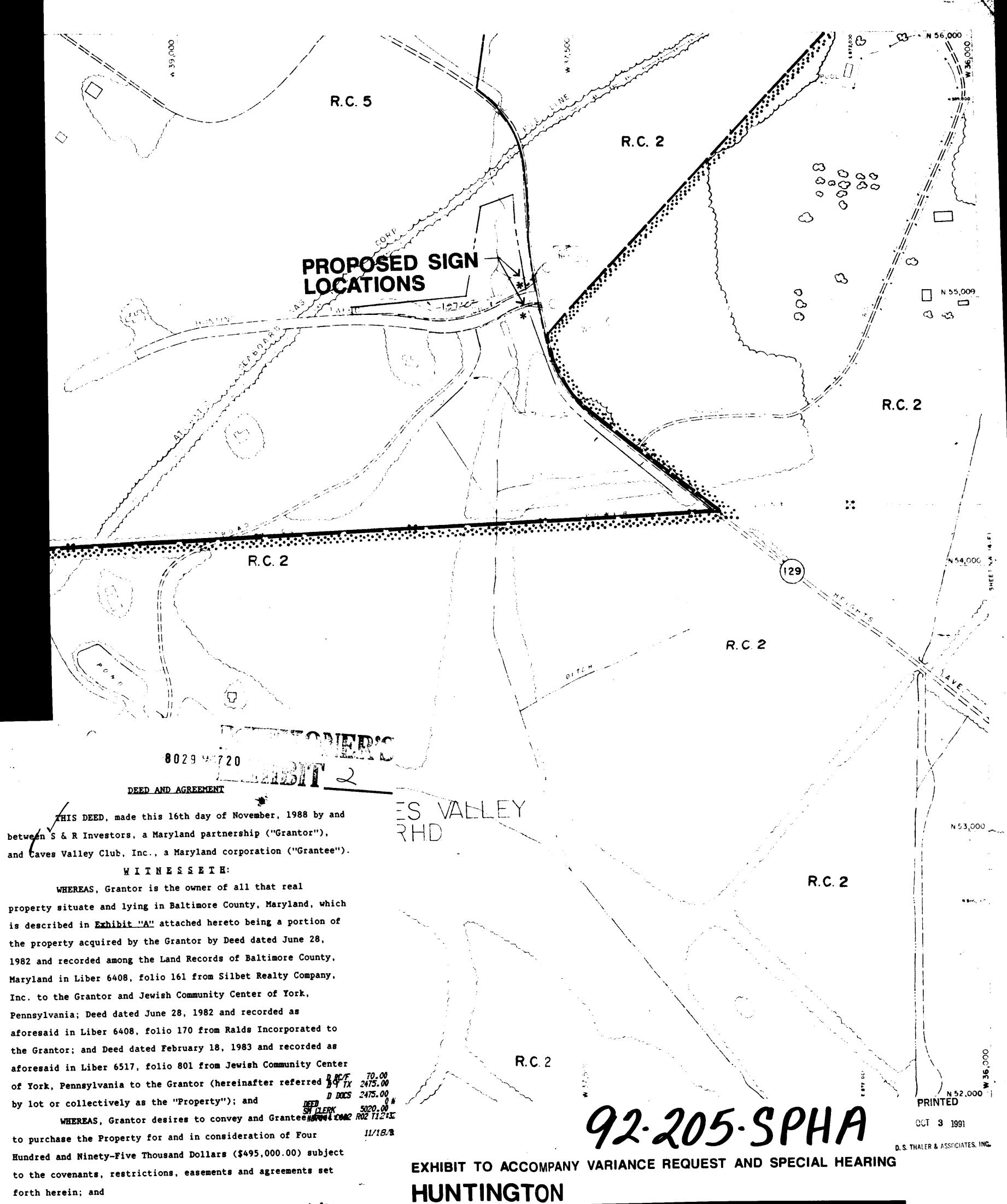
SUBJECT: 2.A.C. Comments

Z.A.C. MEETING DATE: November 12, 1991

This office has no comments for item numbers 210, 212, 213, 214, 217 and 218.

Rahee J. Famili
Traffic Engineer II

RJF/lvd



WHEREAS, Grantor desires to reserve an easement for the benefit of itself, its heirs, personal representatives,

State Department of Assessments & Taxation for Baltimore County

SIGNATURE

SIGNATURE

STATE OF TRANSFER

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D.S. THALER & ASSOCIATES, INC. 7115 AMBASSADOR ROAD BALTIMORE, MARYLAND 21207 (301) 944-3647

214

